

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ORVILLE W. MURPHY,

Plaintiff,

v.

No. CIV 09-0907 MV/LAM

WARDEN TERRY, ET AL.,

Defendants.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Plaintiff's *Civil Rights Complaint Pursuant to 42 U.S.C. § 1983* (Doc. 1) and a *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915* (Doc. 2). The Court determines that Plaintiff's filings are deficient, specifically, Plaintiff's *Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915* is missing a certified copy of Plaintiff's trust fund statement for the 6-month period immediately preceding this filing. Furthermore, a recent mailing to Plaintiff was returned as "not deliverable as addressed." (Doc. 3). Plaintiff apparently has failed to advise the Court of his current address, as required by D.N.M. LR-Civ. 83.6, and this failure to comply with the Court's local rules demonstrates a lack of interest in litigating his claims. *See Thornton v. Estep*, No. 05-1263, 209 Fed. Appx. 755, 757 2006 WL 3705038 (10th Cir. Dec.18, 2006) (unpublished) (holding that district court did not abuse its discretion by dismissing *pro se* inmate's petition for a writ of habeas corpus for failure to prosecute due to inmate's failure to comply with local rule regarding notification to the court of change of address); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962) (stating that courts may dismiss case for failure to proceed with litigation). *Failure to cure the designated deficiencies may result in dismissal of this action without further notice.*

IT IS THEREFORE ORDERED that Plaintiff cure the deficiencies designated above within **thirty (30) days** from the date of this Order; and the Clerk is directed to send a copy of this Order to Plaintiff at the address shown in the file.

IT IS SO ORDERED.

Lourdes A. Martinez
HONORABLE LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE